

1 National Care Service Consultation

Midlothian Context:

Midlothian Council's response highlights the extent to which our Council has fulfilled its statutory duties for services and functions which are within the proposed scope of the National Care Service. The Council's commitment to providing high quality service delivery, good performance and ensuring continuous improvement with social work and social care services over many years should be noted. Midlothian's investment in transformation and service redesign to improve outcomes in the context of prevention and earlier intervention is evident in inspection feedback and performance reports.

2 BACKGROUND

2.1 The Scottish Government commissioned Derek Feeley, a former Scottish Government Director General for Health and Social Care to lead an Independent Review of Adult Social Care in summer 2020. The 'Feeley' report was published in February 2021, and concluded that whilst there are strengths of Scotland's social care system it needs radical revision. It provided over 50 recommendations around:

- Making Scottish Ministers responsible for the delivery of social care, with the creation of a National Care Service to deliver and oversee integration of adult social care services, improvement and best practices across health and social care services
- Changing local Integration Joint Boards into Community Health and Social Care Boards to be the delivery arm of the National Care Service, funded directly from the Scottish Government
- Nurturing and strengthening of the workforce
- Greater recognition and support for unpaid carers.

2.2 The Scottish Government responded to the Feeley Report by publishing a consultation paper on a National Care Service in August 2021. The scope of the Government's proposals, as set out in the consultation document, which contains 95 questions, goes well beyond the Feeley Report's recommendations. In particular, the consultation suggests that the scope of the National Care Service could be extended beyond Adult Social Care to oversee social care for all age groups and a wider range of needs and services including:

- Children and young people
- Justice Social work
- Alcohol and Drug services
- Social Work.

2.3 The original deadline for responses to this consultation on the most far reaching changes to social work services since the 1968 Social Work (Scotland) Act and, potentially, the largest re-organisation of Local Government since 1995, was 18 October 2021. The deadline was subsequently extended to 2 November 2021.

- 2.4 Officers have prepared a response on behalf of Midlothian Council to the consultation. This has been shared with both Labour and Conservative members as agreed at Council on 5th October 2021.
- 2.5 Not all 95 questions have been answered due to some of the Yes or No answers being too complex to be answered by a simple Yes or No response. The questions posed in the consultation do not invite respondents to comment on many of the critical aspects of the Feeley report that underpin the proposals put forward in the consultation paper. Many of the proposals in the consultation document have no evidential basis so make a detailed response difficult. Some questions are fairly technical and require detailed knowledge of processes and practice so are best responded to by the appropriate external professional body.
- 2.6 The publication of the Scottish Government's proposals and the consultation period have come at a time when local authorities, health and social care services are still fully engaged with responding to the COVID pandemic: business continuity plan arrangements remain invoked. Over the last few months senior officers across local government, health and social care services, voluntary and private sector providers and users and carers organisations have been massively stretched and under pressure due to rising case numbers, staff shortages and growing demand pressures on the NHS, care home and home care services. The breadth and fundamentally significant implications of the Feeley Report and then the Scottish Government National Care Service consultation require more time for a considered and full response to be provided. Whilst we recognise that change may be needed and should not be delayed unnecessarily, it could be argued that the Scottish Government is acting with undue haste.
- 2.7 Given the current statutory duties held by local authorities in all aspects of the proposed National Care Service and the significance of the emerging proposals in the consultation paper it is very concerning that Local Government was not involved in the development of the proposals prior to the publication of the paper. The proposal to include Children's social work Services, Community Justice, Alcohol and Drug services and social work within the scope of the National Care Service, came as a complete surprise to COSLA and national agencies such as Community Justice Scotland.
- 2.8 There are significant questions about how the National Care Service and other proposals in the consultation paper will be funded. COSLA has long called for fair funding for Local Government, highlighting the implications of reduced Council budgets to the delivery of essential public services. No costings are provided in the consultation paper relating to the development of the proposed National Care Service or with regards to how it would be funded. Whilst we fully expect a detailed financial memorandum to be issued if a Bill is presented to Parliament, it is very difficult to consider and respond to the consultation without any financial information. The proposal to create the new National Care Service is predicated on significantly higher levels of funding for social care than is currently provided. However, the proposed investment in increasing access to social care services could be made without going through the legislative and

disruptive structural change and potential risks to service users that lie behind the consultation paper's proposals.

- 2.9 The conclusions and recommendations of the Feeley Report and the consultation paper are based on the need to address a perceived weakness in the current model of social care provision – local variations in quality and quantity of social care services – the so-called 'postcode lottery'. They suggest that this issue can be addressed through removing eligibility criteria.
- 2.10 The aspiration for social workers and other professionals to be able to focus on the rights of individuals "without being hampered" by considerations of eligibility and cost are laudable aspirations; but there is not an infinite level of investment that can be made to meet the demands made by service users and carers. The consultation paper does not provide any information on the modelling around demand, public expectation and affordability of a universal, demand led model of social care provision.
- 2.11 The importance of close working between NHS and local government which has been supported by the integration of health and social care within local government has been evidenced during the last 18 months. This relationship has played a key and important role in the response to the COVID pandemic. The pandemic has also shown the importance of the links between local authorities and their communities and local third sector organisations in providing the community resilience which is so vital during emergencies. The Scottish Government has relied on Local Government, which in turn relied on its close ties with communities and the third sector to deliver crucial services during and after lockdowns. There is a grave risk that these links and close working relationships would be dissipated or even lost if responsibility for all social work and social care services is centralised within a National Care Service.
- 2.12 The Convention of Scottish Local Authorities (COSLA) has highlighted the concern that the Scottish Government's proposals put at risk the vital links that exist across the essential services that many of our most vulnerable people rely on every day.
- In its 'Education Governance – Next Steps' document the Scottish Government has highlighted the need for support for children, young people and families to be holistic and that decisions about children should be taken as close to them as possible by people who know them. It is therefore very difficult to see how a National Care Service would achieve this intent and ensure much of the significant joint working across universal services continues.
 - From Midlothian Council's perspective, there are concerns about how the transfer of all social work services to the proposed National Care Service would impact negatively on the positive developments that have been made in bringing together our 'One Directorate approach' which includes,

children's services, education, community planning and community lifelong learning and employability.

- The consultation does not reflect or recognise the major changes or reviews that are currently on the agenda for local government. These include the Local Governance Review, implementation of The Promise, the review of Children's Hearing System and ongoing major service re-design such as Rescheduling Urgent Care (RUC), Technology Enable Care (TEC), intensive rehabilitation and reform of Adults with Incapacity.
- The proposals to transfer responsibility for all social work and social care services from Local Government to the Scottish Government and a National Care Service risk the progress that has been made in developing Health and Social Care Partnerships. The proposals risk undermining the close working relationships between social services and other council services such as education, housing, and community services and the partnerships with other sectors that are crucial to meeting the needs of vulnerable people who rely on these services.

• **Conclusions**

- Although, there are some positive proposed developments not least a proposal to create a National Social Work Agency, it is questionable whether a National Care Service is required to facilitate this.
- Midlothian Council does not support the proposal to transfer responsibility for Adult Care Services from local government to the Scottish Government and a National Care Service. Equally, it is opposed to supporting the proposal to extend the scope of the National Care Service to include Children's Services, Community Justice, Alcohol and Drugs services and all social work functions within the scope of the proposed National Care Service.
- The inclusion of community justice, children's social work and alcohol and drugs service in the Scottish Government's proposals without any prior examination of evidence relating to these complex fields is highly concerning. Their inclusion at this 'late stage' with all the associated concerns about the future of these services and staff risks destabilising staff and services.
- The Council supports the view expressed by COSLA that the lack of evidence and data to justify the inclusion of Children's Services in a National Care Service is very concerning particularly given the fact that no account is taken of what the proposed changes would mean for children, young people and their families.
- Transferring responsibility for social work and social care services from local government risks creating a significant democratic deficit. Scottish Ministers, a National Care Service and unelected Community Health and Social Care Boards would be remote from local service users and dissipate local democratic accountability around an essential public service

